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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRAHMA GROUP, INC., a Nevada  
corporation,

Plaintiff,

vs.

TONOPAH SOLAR ENERGY, LLC, a  
Delaware limited liability company; DOES  
I through X; and ROE CORPORATIONS I  
through X,

Defendants.

TONOPAH SOLAR ENERGY, LLC a  
Delaware limited liability company; DOES  
I through X; and ROE CORPORATIONS I  
through X,

Counterclaimant,

vs.

BRAHMA GROUP, INC., a Nevada  
corporation

Counter-Defendant.

CASE NO.: 2:18-CV-01747-RFB-GWF

**STIPULATION AND ORDER TO  
WITHDRAW PENDING DISCOVERY  
MOTIONS [ECF 29 AND ECF 31]**

Plaintiff/Counter-Defendant BRAHMA GROUP, INC. (“BGI”) and Defendant/Counter-  
Claimant TONOPAH SOLAR ENERGY, LLC (“TSE”) by and through their respective counsel  
stipulate and agree as follows:

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**WHEREAS**, BGI filed a Motion to Stay Discovery Pending Determination of Dispositive Motion (“Motion to Stay Discovery”) on November 28, 2018 [ECF 29], which is currently set for hearing on December 27, 2018 [ECF 30], and

**WHEREAS**, TSE filed a Motion to Compel Brahma Group, Inc. to Respond to Requests for Production and Interrogatories (“Motion to Compel Discovery”) on December 4, 2018 [ECF 31];

**WHEREAS**, the Parties have resolved certain disputes relating to the Motion for Stay and the Motion to Compel Discovery (collectively, “the Discovery Motions”) and therefore desire to withdraw the Discovery Motions;

**IT IS THEREFORE STIPULATED AND AGREED** as follows:

1. The Motion to Stay Discovery [ECF 29] may be and is WITHDRAWN without prejudice;
2. The hearing scheduled for December 27, 2018 regarding the Motion to Stay Discovery [ECF 30] may be VACATED;
3. The Motion to Compel Discovery [ECF 31] may be and is WITHDRAWN without prejudice;
4. The Parties will produce their complete Project Records relating to BGI’s scope of work on the Crescent Dunes Solar Facility Project (“the Project”), except emails (discussed below), no later than February 1, 2019;
5. BGI will provide responses to TSE’s Interrogatories no later than February 1, 2019;
6. The Parties will produce their emails, including attachments, relating to BGI’s scope of work on the Project no later than March 1, 2019 and will engage in a discussion regarding the specifics of the production prior to production;
7. No additional discovery hearings/responses will be set for or due prior to March 1, 2019.

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- 1           8.       This Stipulation does not prevent the Parties from requesting the production of  
2               additional documents, emails, or ESI in accordance with the Federal Rules of Civil  
3               Procedure and the timing requirements of section 8 above or otherwise seeking  
4               additional discovery under the Federal Rules of Civil Procedure.
- 5           9.       The information and documents produced pursuant to this Stipulation may be used  
6               in this proceeding and in any state court proceedings now existing or hereafter  
7               commenced relating to BGI's scope of work on the Project.
- 8           10.      By entering this Stipulation, the Parties do not waive, and hereby expressly reserve,  
9               (i) all objections to the pending discovery requests and (ii) all arguments pertaining  
10              to the adequacy of the objections to the pending discovery requests, including their  
11              timeliness;
- 12          11.      By entering into this Stipulation, the Parties do not waive, and hereby expressly  
13              reserve their respective positions regarding the proper jurisdiction and venue for  
14              the Parties' dispute as more fully set forth in the Parties' previously filed briefs with  
15              respect to: (i) BGI's Motion for Stay, or in the Alternative, Motion to Amend  
16              Complaint, filed on October 16, 2018 [ECF 13], and (ii) TSE's Motion for an  
17              Injunction and Motion to Strike, filed on October 18, 2018 [ECF 16].

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12. The Parties reserve the right to seek appropriate intervention of this Court in the event a party fails to comply with the terms of this Stipulation.

IT IS SO STIPULATED this 21<sup>st</sup> day of December, 2018.

**PEEL BRIMLEY LLP**

**WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC**

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/s/ Colby L. Balkenbush, Esq.

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**ORDER**

IT IS SO ORDERED this 26th day of December, 2018.

  
UNITED STATES MAGISTRATE JUDGE